

TO: WIB Directors

FROM: Craig E. Hartzer  
Commissioner

DATE: June 21, 2000

SUBJECT: DWD Communication # 99-52  
Equal Opportunity Monitoring

RE: WIA Title 1

PURPOSE

To transmit the procedure for equal opportunity monitoring

RESCISSION

DWD Communication #W94N-4168

CONTENT

One of the requirements of the State's Methods Of Administration (MOA), as required by regulations at 29 CFR 37.54, is for the state to have a system for periodically monitoring recipients for compliance with WIA Section 188. The attached procedure implements this requirement and will be included as part of this state's documentation of assurances to the Department of Labor/Civil Rights Center.

EFFECTIVE DATE

Upon receipt

ENDING DATE

Until rescinded

ACTION

The Workforce Investment Board Director is to ensure that the enclosed procedure is communicated to all affected parties and that a copy of the attached monitoring guide questionnaire is completed and returned to the IDWD EO Officer as soon as possible at Indiana Workforce Development, Legal Support Division, 10 North Senate Ave – Room 105, Indianapolis, IN 46204. Please direct any questions regarding this to Fay Stewart at (317) 232-7484.

Attachment

EQUAL OPPORTUNITY MONITORING  
FOR  
WORKFORCE INVESTMENT ACT (WIA) FINANCIALLY ASSISTED PROGRAMS

REQUIREMENT

One of the most important requirements contained in the State's Methods of Administration (MOA) is the responsibility to monitor the equal opportunity activity of a recipient to ensure that they are not in violation of any DOL/Civil Rights Center (CRC) enforced civil rights laws. To meet this requirement, IDWD has established the following procedure for monitoring compliance with the nondiscrimination provisions of the WIA Title 1.

PURPOSE

The purposes of an Equal Opportunity (EO) Monitoring Review are to determine whether:

- ◆ Commitments made by the recipients are being kept;
- ◆ Technical requirements, such as displaying CRC's EO poster have been met;
- ◆ There is equal access to and treatment during training and/or employment in WIA financially assisted programs;
- ◆ Any of the recipient's training or employment practices are discriminatory; and
- ◆ Training/technical assistance to the recipient is needed.

The CRC has strongly recommended that EO Monitoring be conducted in coordination with the program monitoring, as resources permit. The IDWD Program Monitors will continue to include in their monitoring, a review of EO policies, notice requirements and complaint procedures. The IDWD EO Officer shall target a recipient for review based on any of the following factors:

- ◆ The review and analysis of data output reports
- ◆ Repeated requests for technical assistance
- ◆ Complaint records
- ◆ Reports from Program Monitors or other interested parties
- ◆ Demographics and geography

PROCEDURE

The EO Monitoring will consist of a desk review, an onsite review and a post review report.

A. Desk Reviews

The desk review will involve an analysis of data output reports. These reports shall be obtained from the Participant Management Information System (PMIS), the Program for EEO Evaluation Reports (PEER) System, and from the Customer

Self Service System (CS3). The analysis of data is for purposes of comparing how race/sex groups are treated in comparison with other groups in the programs and activities funded under WIA Title 1. If the analysis of data reveals disparities in services rendered, an onsite review will be scheduled.

#### B. Onsite Reviews

The onsite review shall examine problem areas revealed by the desk review. For example, if the desk review revealed a significant difference in the rate of enrollments for one group over another group into a particular training program, that disparity will be investigated onsite by the observation of activities, the interview of staff and participants and by a review of documentation.

#### C. Post Review Report

A post review report will be issued to the recipient within 30 days of the exit conference. This report will recognize positive performance and practices where they exist, set forth issues that must be resolved, describe findings of noncompliance in a concise and specific manner, and state specific corrective action to be required including deadlines for completion. Corrective actions are defined as those activities undertaken by the recipient in response to equal opportunity deficiencies discovered by the EO Reviewer. Deficiencies fall into two categories:

- (1) Deficiencies which do not involve discrimination, called technical deficiencies, e. g. failure to post required posters.
- (2) Deficiencies involving discrimination, e. g. disparate treatment in the referral of applicants.

IDWD will work with recipients to ensure that corrective action can be achieved. Where violations of the WIA Section 188 are found and voluntary compliance has not been achieved, IDWD may implement the sanction procedures as provided by DWD Communication #98-59.



EQUAL OPPORTUNITY  
MONITORING GUIDE  
QUESTIONNAIRE

A. ASSURANCES

YES NO N/A COMMENTS

1. Is this recipient aware of its obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 188 of the Workforce Investment Act, and The Americans With Disabilities Act?
2. Do you wish to receive a summary of the Civil Rights Laws which affect DOL financially assisted programs?
3. Does the required assurance language at 29 CFR 37.20, or a reference to it, appear on all grant applications, agreements and contracts?
3. Are copies of current EO policies made accessible to staff?
4. Are EO policies communicated in a format appropriate for staff with hearing and/or visual impairments?

**B. EQUAL OPPORTUNITY COORDINATOR**

**YES   NO   N/A   COMMENTS**

1. Has this recipient communicated the identify of the recipient's designated EO Officer to all subrecipients/staff in their local workforce service area (LWSA)?
2. Does each office in the LWSA have a staffperson available to assist with EO responsibilities?
3. Is this person's identify made known to all staffpersons in the office?

**C. RECORDKEEPING**

1. Does this recipient maintain a log of complaints and submit a copy of the log to IDWD on a quarterly basis?
2. Are complaints of discrimination retained for a period of no less than 3 years after resolution of the complaint?
3. Are complaint files maintained confidentially and by some systematic method, e. g. alphabetically or numerically by date filed? Please state the method in the comments section.

**C. RECORDKEEPING**

**YES NO N/A COMMENTS**

4. Does complaint files include the  
The following:  
A copy of the written complaint,  
A record of contacts made and  
Information obtained during an  
Investigation, related correspondence
5. Are beneficiary/participant files free  
of subjective and inappropriate  
remarks and comments?
6. Are beneficiary/participant files  
retained for at least 3 years after  
close of the applicable program year?
7. Is data being collected and retained  
on each beneficiary, applicant and  
employee as required by 29 CFR 37.37?

**D. STRUCTURAL ACCESSIBILITY**  
(applies to each office in the recipient's  
LWSA)

1. Is there designated parking with  
signage available for disabled individuals?
2. Is there a designated restroom for the  
disabled with appropriate signage?



D. STRUCTURAL ACCESSIBILITY (Cont'd.)

YES NO N/A COMMENTS

3. Is there at least one entrance/exit accessible to persons using wheelchairs?
4. If there are public telephones available, are accommodations provided for hearing impaired Individuals, e. g. TDD/TTY?
5. Are all services/activities provided in a facility that is accessible to disabled persons? If not, what accommodations are made?
5. Has a ADA self evaluation survey been recently conducted on all facilities where service/activities are provided to the public?
6. Have corrective actions been taken to correct any deficiencies noted in the self-evaluation survey? If not, please explain.

E. PROGRAM ACCESSIBILITY

1. How is information provided to limited English speaking individuals?

E. PROGRAM ACCESSIBILITY (cont'd)

YES NO N/A COMMENTS

2. Does this recipient have a procedure for providing auxiliary aids and services when requested by a client?

Please provide a copy of the procedure.

3. Does this recipient have a procedure for providing reasonable accommodation as requested? Please provide a copy of procedure.

4. Are programs/activities provided in the most integrated setting?

F. EO POSTERS & NOTIFICATION

1. Is the "Equal Opportunity is the Law" notice posted prominently in all offices?

2. Where paper files are maintained, is the notice included in the participants' files?

3. Is the EO Notice provided in alternate formats and languages, where required?

4. Is the EO tagline included on all pamphlets and brochures as required?

5. If a phone number is provided on the pamphlets etc, is there a TDD/TTY number?

G. COMPLAINT PROCEDURES

YES NO N/A COMMENTS

1. Has all staff, applicants, and beneficiaries been advised of the recipients policy on filing complaints of discrimination?
2. Are all complaints of discrimination entered on the complaint log?
3. Are complaints of discrimination responded to in a most expedient manner?
4. Are there procedures for assisting limited English speaking individuals, or other persons requiring assistance in filing complaints of discrimination?

H. COMMUNITY RELATIONS

1. Have community based organizations and public interest groups been advised of the recipient's obligations to equal opportunity?
2. If not, what assistance does the recipient require of the State EO Officer in meeting this requirement?

